

REMARKS

Claims 1, 2, 6-11, and 13-18 are pending.

Claims 1, 10 and 18 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

Claims 1, 7, 10 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,006,994 to Campbell et al. (Campbell) in view of U.S. Patent Application Publication No. 2001/0049636 to Hudda et al. (Hudda), in view of U.S. Patent No. 3,868,057 to Chavez, in view of U.S. Patent Application Publication No. 2002/0186845 to Dutta et al. (Dutta), and further in view of Official Notice.

Claims 2-6, 8-9 and 11-16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Campbell in view of Hudda, in view of Chavez, in view of Dutta, and further in view of Official Notice.

Claim 17 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Campbell, Hudda, Chavez, Dutta, and further in view of Official Notice.

Applicants have amended independent Claims 1, 10 and 18 for clarification.

To the extent that the rejections have not been rendered moot by the cancellation of claims, Applicants respectfully traverse the §103 rejections for at least the reasons set forth below.

§112 Rejections Are Overcome

Claims 1, 10 and 18 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The Action alleges that the term "unsolicited credit card alert" in Claims 1, 10 and 18 is a relative term that renders the claim indefinite. (Action, page 2). The Action also alleges that the term "unsolicited credit card alert" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. (Action, page 2).

Applicants respectfully disagree. Paragraph [0005] from Applicants' specification is set forth below.

[0005] A system is needed that allows subscribers to a wireless web access service to receive unsolicited messages regarding important changes to their credit card or other line of credit status to eliminate the possibility of an embarrassing situation when attempting to purchase goods or services with a credit card over its

credit limit or one that is temporarily suspended. The system should provide near real-time updates as credit card status or credit limit/available balance changes.

Applicants respectfully submit that Applicants' independent claims and specification are clear as to the definition of "unsolicited credit card alert." Nonetheless, Applicants have amended independent Claims 1, 10 and 18 to recite "wherein the credit card alert is unsolicited by the person associated with the credit card account", for clarification.

Applicants have amended independent Claims 1, 10 and 18 to remove the term "bearer."

In view of the above, Applicants respectfully submit that the rejections under 35 U.S.C. §112, second paragraph are overcome.

§103 Rejections Are Overcome

Independent Claims 1, 10 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Campbell in view of Hudda, in view of Chavez, in view of Dutta, and further in view of Official Notice. Applicants respectfully traverse the rejection on the basis that Campbell, Hudda, Chavez, Dutta, and Official Notice, alone or in combination, fail to disclose or suggest all of the recitations of amended independent Claims 1, 10 and 18.

Applicants respectfully submit that it is illogical to modify the primary reference, Campbell as suggested by the Action. As will be described in detail below, the Campbell system already has a customer's contact information. There would be no need to modify Campbell to come up with another way of determining how to contact customers since the Campbell system already knows how to contact them. Furthermore, the remaining references appear to be the result of "keyword" searches seeking to find various recited elements of Applicants' independent claims. The Action is engaged in a hypothetical re-design of the Campbell system in an attempt to reconstruct independent Claims 1, 10 and 18 of this application using the Applicants' claims as a roadmap. However, in doing so, the Action has engaged in exactly the kind of impermissible hindsight that was recently condemned by the U.S. Supreme Court in *KSR International Co. v. Teleflex Inc.*, et al., 550 U.S. 1 (2007).

Applicants' amended Claim 1 recites a credit alert system, comprising:

a wireless subscriber account server for receiving a credit card alert from a credit card account database regarding at least one of available credit and credit status for a credit card account, ***wherein the credit card account database does not have or have access to wireless subscriber account information for a person associated with***

the credit card account, wherein the credit card alert is unsolicited by the person associated with the credit card account;

a wireless subscriber account database in communication with the wireless subscriber account server for storing wireless subscriber account information;

an application module in communication with the wireless subscriber account server for ***comparing information contained in the unsolicited credit card alert to subscriber information contained in the wireless subscriber database to determine a wireless subscriber associated with a credit card account*** and for preparing a message to communicate to a wireless device of a subscriber in response to receiving the unsolicited credit card alert from the credit card account database; and

a Wireless Application Protocol (WAP) push proxy gateway in communication with the wireless subscriber account server that sends the message to the wireless device of the subscriber using an available mobile network service.

Independent Claims 10 and 18 have been similarly amended.

The primary reference, Campbell, describes an automated receivables management system that uses an electronic network to provide a self-service collection environment using an electronic network, such as the Internet or PCS, as a medium for communication and transaction execution. The Campbell system provides comprehensive collections services in a fully automated fashion, including account decisioning, treatment specification, communication channel specification, and communication to the customer with a method for payment/response from the customer using the electronic channel. Campbell specifically states that "the present invention provides the ability to e-mail or otherwise electronically send a notice to the delinquent, overlimit or special status customer." (Col. 8, Lines 7-11). Thus, the Campbell system ***already has a customer's contact information***. The Campbell system has no need for a separate server or application module to determine how to contact a customer. Specifically, Campbell has no need for a wireless subscriber account database, a wireless subscriber account server, or an application module in communication with the wireless subscriber account server for ***"comparing information contained in the credit card alert to subscriber information contained in the wireless subscriber database to determine a wireless subscriber associated with a credit card account*** and for ***preparing a message to communicate to a wireless device of a subscriber in response to receiving the unsolicited credit card alert*** from the credit card account database", as recited in Claim 1. Moreover, Campbell fails to teach or suggest a ***"Wireless Application Protocol (WAP) push proxy gateway*** in communication with the wireless subscriber account server ***that sends the***

message to the wireless device of the subscriber using an available mobile network bearer service", as recited in Claim 1.

The credit card alert system recited in Claim 1 is utilized by credit card companies that *do not know or have access to a customer's wireless device information*. Moreover, unlike the Campbell system, the credit card alert system recited in Claim 1 cannot send a message directly to a customer's wireless device. As recited in independent Claim 1, Applicants' credit alert system utilizes a wireless subscriber account server for receiving an *unsolicited* credit card alert from a credit card account database, *wherein the credit card account database does not have or have access to wireless subscriber account information for a person associated with the credit card account*. A wireless subscriber account database that stores wireless subscriber account information is in communication with the wireless subscriber account server. An application module is in communication with the wireless subscriber account server for *comparing information contained in the credit card alert to subscriber information contained in the wireless subscriber database to determine a wireless subscriber associated with a credit card account* and for *preparing a message to communicate to a wireless device of a subscriber in response to receiving the unsolicited credit card alert* from the credit card account database.

A WAP push proxy gateway sends the message to the wireless device of the subscriber using an available mobile network bearer service.

One skilled in the art would not be motivated to modify the Campbell system to include the recitations of Claim 1 since the Campbell system *already has a customer's contact information*. There would be no need to modify Campbell since the Campbell system already knows how to contact customers. As such, the combination of Campbell, Hudda, Chavez, Dutta, and Official Notice is improper. Moreover, even if the teachings of Campbell were combined with those of Hudda, Chavez, Dutta, and Official Notice as suggested by the Action, the resultant combination would still lack Applicants' variously claimed features relating to a credit card account.

Hudda:

Hudda describes a system for purchasing goods and services in a wireless fashion while the consumer is in-store at a retailer's establishment or remotely through wireless interaction with the retailer. (Hudda, Para. 0056). Hudda is silent with respect to a system for

purchasing goods and services that allows consumers to receive unsolicited credit card messages regarding important changes to their credit card or other line of credit status. Moreover, Hudda fails to teach or suggest an application module in communication with a wireless subscriber account server for "***comparing information contained in the credit card alert to subscriber information contained in the wireless subscriber database to determine a wireless subscriber associated with a credit card account*** and for ***preparing a message to communicate to a wireless device of a subscriber in response to receiving the unsolicited credit card alert*** from the credit card account database", as recited in Claim 1. Hudda also fails to teach or suggest a "***WAP push proxy gateway*** in communication with the wireless subscriber account server ***that sends the message to the wireless device of the subscriber using an available mobile network bearer service***", as recited in Claim 1.

Chavez:

The Action cites Chavez for teaching an unsolicited credit card. (Action, page 4). The Action then concludes that it would be obvious to "add unsolicited credit card feature to the system or method of Campbell because Hudda et al. teaches that adding the feature helps to make possible the virtual elimination of credit card misuse." (Action, pages 4-5).

Applicants respectfully submit that it appears that Chavez is the result of a "key word" search for the term "unsolicited credit card alert". Chavez clearly has nothing to do with the problem Applicants' invention solves: allowing subscribers to a wireless web access service to receive unsolicited messages from credit card providers. Chavez describes a credit card and credit card verifier device. The credit card comprises, in addition to the conventional embossed indicia which ordinarily includes a name and an account number, a laminated or encapsulated center layer of material upon which is deposited an electrical circuit consisting of a matrix of electrical conductors and semiconductors coupled to a plurality of contact points. At least three of the contact points are coupled to certain ones of the semiconductor devices thereby providing a code number unique to each card and the remaining contacts are coupled to other parts of the circuit to give a false code. The card verifier has a like plurality of electrical contacts adapted to engage the card contacts and a plurality of selectors for selectively coupling the circuit in the card with a circuit in the verifier so as to produce a YES or NO output signal to verify selection of the proper code number. (Chavez, Abstract).

Chavez has absolutely nothing to do with allowing consumers to receive unsolicited credit card messages regarding important changes to their credit card or other line of credit status.

Once again, the Campbell system already has a customer's contact information. There is not motivation to modify Campbell to come up with another way of determining how to contact customers since the Campbell system already knows how to contact them. There certainly is no motivation provided by the credit card and card verifier device of Chavez to modify Campbell.

Dutta:

The Action cites Dutta for teaching a WAP push proxy gateway in communication with a wireless subscriber account server that sends messages to a wireless device of a subscriber using a mobile network service. (Action, page 5). The Action then concludes that it would be obvious to "add a Wireless Application Protocol (WAP) push proxy gateway in communication with the wireless subscriber account server that sends message to wireless device of the subscriber using an available mobile network bearer service feature to the combined system or method of Campbell et al., Official Notice, Chaves [sic] and Hudda because Dutta et al. teaches that adding the feature helps to control security element of a mobile terminal for disabling and enabling access to secure functions of the mobile system." (Action, page 5).

Applicants respectfully submit that it appears that Dutta is the result of a "key word" search for the term "Wireless Application Protocol (WAP) push proxy gateway." Dutta clearly has nothing to do with the problem Applicants' invention solves: allowing subscribers to a wireless web access service receive unsolicited messages from credit card providers. Dutta describes remotely disabling and enabling access to secure transaction functions of a mobile terminal. A service enables a user to block access to the payment and user authentication functions in the security element of a phone or other type of mobile terminal by sending a radio message, such as a wireless application protocol (WAP) push message. (Dutta, Abstract). However, Dutta has absolutely nothing to do with allowing consumers to receive unsolicited credit card messages regarding important changes to their credit card or other line of credit status. The mere fact that Dutta uses the term "WAP push message" does not provide motivation to modify Campbell to come up with another way of determining how to contact customers that the Campbell system already knows how to contact.

Official Notice:

The Action states that Official Notice is taken that "wherein database does not have or have access to account information for person associated with credit card account and comparing information contained in the credit card alert to subscriber information contained in the wireless database features is old and well known in the credit card industry to ensure security of the customer information." (Action, page 5). The Action then concludes that it would have been obvious to have included the feature in the credit alert. (Action, page 5). Applicants fail to understand the argument set forth above regarding Official Notice; however, the argument and conclusion are traversed. Official Notice appears to be taken that it is well known to ensure security of customer information in the credit card industry. However, this certainly does not lead one skilled in the art to arrive at Applicants' claimed subject matter. This certainly does not teach or suggest an application module in communication with a wireless subscriber account server for "***comparing information contained in the credit card alert to subscriber information contained in the wireless subscriber database to determine a wireless subscriber associated with a credit card account*** and for ***preparing a message to communicate to a wireless device of a subscriber in response to receiving the unsolicited credit card alert*** from the credit card account database", as recited in Claim 1. Nor does this teach or suggest a "***WAP push proxy gateway*** in communication with the wireless subscriber account server ***that sends the message to the wireless device of the subscriber using an available mobile network bearer service***", as recited in Claim 1.

The Action also states that "Official Notice is taken transmit a message when credit card account is closed is old and well established in the credit card and banking industry in order to notify customer the current account activity in order to prevent fraudulent activities or enhance security." (Action, page 9). The Action then concludes that it "would have been obvious to have included transmit message when credit card account is closed to the credit alert system." (Action, page 9). Applicants fail to understand the argument set forth above regarding Official Notice; however, the argument and conclusion are traversed.

Applicants submit it may well be known for a financial institution to send a message to a credit card holder when the credit card holder closes his/her credit card account. However, the financial institution is going to know the identity of the credit card account that

was closed, the identity of the credit card holder who closed the account, and how to contact the credit card holder because the credit card holder communicated with the financial institution to close the account. A financial institution is not going to close a credit card account and then blindly issue an alert to the account holder without knowing where to send the alert. The Action's arguments and conclusions are illogical.

In view of the above, Applicants respectfully submit that independent Claim 1 is not rendered obvious by the combination of Campbell, Hudda, Chavez, Dutta, and Official Notice. Applicants respectfully assert that the rejection of independent Claim 1 under 35 U.S.C. §103 is overcome. Additionally, Applicants submit that dependent Claims 2, 4, and 6-9 are patentable at least by virtue of the patentability of independent Claim 1, from which they depend and respectfully request the allowance thereof. For at least the same reasons described above with respect to independent Claim 1, Applicants respectfully assert that independent Claims 10 and 18, and all claims depending therefrom, are not rendered obvious by the combination of Campbell, Hudda, Chavez, Dutta, and Official Notice.

Various Dependent Claims are Separately Patentable

The dependent claims are patentable at least per the patentability of the independent claims from which they depend. Moreover, many of the dependent claims are separately patentable.

With respect to Claims 2 and 11, the combination of Campbell, Hudda, Chavez, Dutta, and Official Notice fails to teach or suggest a wireless subscriber account server for receiving an alert from a credit card account database regarding at least one of available credit and credit status for a credit card account, wherein the credit card account database does not have or have access to wireless subscriber account information for a person associated with the credit card account; a wireless subscriber account database in communication with the wireless subscriber account server for storing wireless subscriber account information; and an application module in communication with the wireless subscriber account server for determining a wireless subscriber associated with a credit card account and for preparing a message to communicate to a WAP enabled wireless device of a subscriber in response to receiving an alert from the credit card account database. As such, Claims 2 and 11 are patentable over Campbell, Hudda, Chavez, Dutta, and Official Notice, alone or in combination, for at least this additional reason.

With respect to Claim 13, the combination of Campbell, Hudda, Chavez, Dutta, and Official Notice fails to teach or suggest a wireless subscriber account server for receiving an alert from a credit card account database regarding at least one of available credit and credit status for a credit card account, wherein the credit card account database does not have or have access to wireless subscriber account information for a person associated with the credit card account; a wireless subscriber account database in communication with the wireless subscriber account server for storing wireless subscriber account information; and an application module in communication with the wireless subscriber account server for determining a wireless subscriber associated with a credit card account and for preparing a message to communicate to a WAP enabled wireless device of a subscriber in response to receiving an alert from the credit card account database, wherein the message is communicated to the WAP enabled wireless device via a gateway in communication with the wireless subscriber account server and WAP enabled wireless device, and wherein the gateway includes a push proxy. As such, Claim 13 is patentable over Campbell, Hudda, Chavez, Dutta, and Official Notice, alone or in combination, for at least this additional reason.

With respect to Claim 14, the combination of Campbell, Hudda, Chavez, Dutta, and Official Notice fails to teach or suggest receiving an alert from a credit card account database at an application module in communication with a wireless subscriber account database, wherein the credit card account database does not have or have access to wireless subscriber account information for a person associated with the credit card account; matching the alert to a wireless subscriber's account; generating a WAP push initiator message relating to the credit card account when the credit card account exceeds a predetermined amount; and transmitting the WAP push initiator message to a WAP enabled wireless device of the subscriber via a WAP enabled push proxy gateway. As such, Claim 14 is patentable over Campbell, Hudda, Chavez, Dutta, and Official Notice, alone or in combination, for at least this additional reason.

With respect to Claim 15, the combination of Campbell, Hudda, Chavez, Dutta, and Official Notice fails to teach or suggest receiving an alert from a credit card account database at an application module in communication with a wireless subscriber account database, wherein the credit card account database does not have or have access to wireless subscriber account information for a person associated with the credit card account; matching the alert to

a wireless subscriber's account; generating a WAP push initiator message relating to the credit card account upon non-receipt of a credit payment; and transmitting the WAP push initiator message to a WAP enabled wireless device of the subscriber via a WAP enabled push proxy gateway. As such, Claim 15 is patentable over Campbell, Hudda, Chavez, Dutta, and Official Notice, alone or in combination, for at least this additional reason.

With respect to Claim 16, the combination of Campbell, Hudda, Chavez, Dutta, and Official Notice fails to teach or suggest receiving an alert from a credit card account database at an application module in communication with a wireless subscriber account database, wherein the credit card account database does not have or have access to wireless subscriber account information for a person associated with the credit card account; matching the alert to a wireless subscriber's account; generating a WAP push initiator message relating to the credit card account upon the credit card account's designation as past due; and transmitting the WAP push initiator message to a WAP enabled wireless device of the subscriber via a WAP enabled push proxy gateway. As such, Claim 16 is patentable over Campbell, Hudda, Chavez, Dutta, and Official Notice, alone or in combination, for at least this additional reason.

With respect to Claim 9, the combination of Campbell, Hudda, Chavez, Dutta, and Official Notice fails to teach or suggest a wireless subscriber account server for receiving an alert from a credit card account database regarding at least one of available credit and credit status for a credit card account, wherein the credit card account database does not have or have access to wireless subscriber account information for a person associated with the credit card account; a wireless subscriber account database in communication with the wireless subscriber account server for storing wireless subscriber account information; and an application module in communication with the wireless subscriber account server for determining a wireless subscriber associated with a credit card account and for preparing a message to communicate to a wireless device of a subscriber in response to receiving an alert from the credit card account database, and wherein the wireless device is a portable computer having a wireless modem. As such, Claim 9 is patentable over Campbell, Hudda, Chavez, Dutta, and Official Notice for at least this additional reason.

With respect to Claim 17, the combination of Campbell, Hudda, Chavez, Dutta and Official Notice fails to teach or suggest receiving an alert from a credit card account database at an application module in communication with a wireless subscriber account database,

wherein the credit card account database does not have or have access to wireless subscriber account information for a person associated with the credit card account; matching the alert to a wireless subscriber's account; generating a WAP push initiator message relating to the credit card account upon suspension of the credit card account; and transmitting the WAP push initiator message to a WAP enabled wireless device of the subscriber via a WAP enabled push proxy gateway. As such, Claim 17 is patentable over Campbell, Hudda, Chavez, Dutta and Official Notice for at least this additional reason.

Conclusion

In view of the above, it is respectfully submitted that this application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,



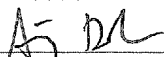
Needham J. Boddie, II
Registration No. 40,519
Attorney for Applicants

Customer Number 39072

Myers Bigel Sibley & Sajovec, P.A.
P.O. Box 37428
Raleigh, NC 27627
919-854-1400
919-854-1401 (Fax)
Doc. No. 733549

CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with 37 C.F.R. § 1.6(a)(4) to the U.S. Patent and Trademark Office on **February 19, 2009**.



Anthony DeRosa